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ABSTRACT

In June 1989, the Kentucky Supreme court ruled the state's elementary and secondary school system unconstitutional. A Task Force on Education Reform provided recommendations to the General Assembly for reforming the educational system which resulted in the Kentucky Education Reform Act of 1990. This act mandates the creation of a system of public education to assist students in acquiring: (1) basic skills; (2) communication skills; (3) an understanding of governmental processes; (4) knowledge to make economic, social and political choices; and (5) other skills necessary to compete favorably with students in other states. The law requires that a statewide assessment program be developed by 1995-96, including performance-based student testing, to measure the success of each school. The Reform Act also provides for (1) professional development; (2) school-based decision making; (3) preschool programs; (4) family resource centers and youth services centers; (5) technology in education; (6) primary school reform; (7) kindergarten; (8) continuing education for students; and (9) raising the compulsory school attendance age. Governance of the state's school system will be assumed by a Commissioner of Education, the chief executive officer of the State Board for Elementary and Secondary Education. A reorganized Department of Education will provide services including assistance with curriculum design, school administration and finance, monitoring the management of school districts, and research and planning. Regional service centers for the professional development of school district employees, and centers for assessment of principals and training of superintendents will be established. Financial support by state and local governments is outlined and a timeline for implementation of the Reform Act is included. This report contains a section of questions and answers on the Education Reform Act. (ALL)

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A GUIDE TO THE KENTUCKY EDUCATION REFORM ACT OF 1990



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LEGISLATIVE RESEARCH COMMISSION

**A GUIDE TO THE
KENTUCKY
EDUCATION REFORM ACT OF 1990**

Prepared by
**Mary Helen Miller
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**Legislative Research Commission
Frankfort, Kentucky
April, 1990**

Printed with state funds.

Foreword

The Kentucky Supreme Court in June, 1989, ruled our public school system unconstitutional. By so doing, the Court gave us an unparalleled opportunity to build a common school system that can truly put the Commonwealth first in education.

Together, we formed a Task Force on Education Reform which worked diligently to provide recommendations to the General Assembly. This Commonwealth has never faced a greater challenge than reforming our educational system and establishing an equitable means to fund it. For those of us who have long advocated fundamental change in our schools, the opportunity presented by the Supreme Court was welcomed enthusiastically.

Through the joint efforts of the Executive Branch and members of the House and the Senate, Kentucky stands at the threshold of a promising future for our children. We believe the effects of the reform efforts will be felt sooner than many people realize. We have certainly built on a solid foundation. It will be rewarding to see the cumulative effects of these reforms, which will be closely monitored by the General Assembly.

We acknowledge and express sincere appreciation for the professional assistance provided to the Task Force. Tom Dorman and Vic Hellard, Jr. served Kentucky well as coordinators for the Task Force. We are indebted to Dr. Frank Newman, president of the Education Commission of the States, and consultants David Hornbeck, Luvern Cunningham, Lila Carol, and John Augenblick for their assistance and counsel. A special thanks is extended to the staff of the Legislative Research Commission for its extraordinary efforts in providing information and drafting legislation. In particular, appreciation is extended to Dr. Janie Jones, Sandra Deaton, Bonnie Brinly and Tom Willis.

We commend the many Kentuckians who have expressed a diversity of viewpoints and assisted in building a consensus which resulted in the Kentucky Education Reform Act of 1990.

We appreciate the opportunity to serve during this historic time.

Wallace G. Wilkinson
Governor

John A. "Eck" Rose
President Pro Tempore
of the Senate

Donald J. Blandford
Speaker of the
House of Representatives

April, 1990

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The Charge for Action

The sole responsibility for providing the system of common schools is that of our General Assembly. It is a duty - it is a constitutional mandate placed by the people on the 138 members of that body who represent those selfsame people.

The General Assembly must not only establish the system, but it must monitor it on a continuing basis so that it will always be maintained in a constitutional manner. The General Assembly must carefully supervise it, so that there is no waste, no duplication, no mismanagement, at any level.

The system of common schools must be adequately funded to achieve its goals. The system of common schools must be substantially uniform throughout the state. Each child, *every child*, in this Commonwealth must be provided with an equal opportunity to have an adequate education.

Supreme Court Opinion in
Rose v. Council for Better Education, Inc.,
Ky., No. 88-SC-804-TG, slip opin. at 58A
(Sept. 28, 1989).

Why Education Reform in 1990?

The Kentucky Constitution, adopted in 1891, requires in Section 183 that "The General Assembly shall, by appropriate legislation, provide for an efficient system of common schools throughout the state."

However, in 1891, Section 186 of the Constitution required that the funds for common schools were to be distributed on the basis of the population of school age children in each district, whether or not they were enrolled in school. The inequity of this distribution method was first addressed in 1941, when the voters approved a constitutional amendment to permit ten percent of the total school funds to be distributed on a basis other than population. In 1949, the voters again amended Section 186, to increase the amount of the equalization funds to 25 percent of the total funds. In 1953, Section 186 was amended a third time, to authorize the General Assembly to establish the method of distribution of funds to the schools.

The 1954 General Assembly enacted the Minimum Foundation Program, which was designed to provide equal public school educational opportunities throughout Kentucky. In 1956, when the General Assembly appropriated money for the Minimum Foundation Program, there were not sufficient funds for the program. Each succeeding General Assembly has struggled with the funding of education.

Landmarks affecting education funding from 1956 to 1990 include: the 1965 decision of the Court of Appeals in *Russman v. Lockett*, requiring 100 percent full value assessment of property for taxation purposes; the 1965 Special Session of the General Assembly's enactment of a "rollback" law to offset any increase in the property taxes collected; the 1966 General Assembly's authorization of three permissive taxes for schools; the 1976 Power Equalization Program, to supplement the Minimum Foundation Program; the 1979 Special Session's action to restrict the growth of revenue through House Bill 44; and the 1985 Special Session's enactment of progressive education programs, including the requirement of a minimum local effort of 25 cents equivalent property tax rate.

In November, 1985, a complaint was filed in the Franklin Circuit Court challenging the equity and adequacy of funds provided for the education of young Kentuckians. Plaintiffs were: the Council for Better Education, a nonprofit corporation comprised of 66 school districts; seven boards of education —

Dayton Independent, Harlan Independent and Elliott, Knox, McCreary, Morgan and Wolfe Counties; and 22 public school students from the districts represented by those boards of education. Defendants were: the Governor, the Superintendent of Public Instruction, the Treasurer, the President Pro Tem of the Senate, the Speaker of the House of Representatives, and the State Board of Education and its members.

Judge Ray Corns of the Franklin Circuit Court issued a judgment in October, 1988, stating that the General Assembly had failed to provide an efficient system of common schools, and that the system of school financing was inefficient, in the constitutional sense, and discriminatory. In his final judgment, Judge Corns also ruled that the Governor has a constitutional duty to make appropriate recommendations, the General Assembly must devise a new funding system, and that the Court sees "no viable alternative" for additional new funds except through new taxes.

On appeal, the Kentucky Supreme Court issued an opinion in June, 1989, which held the system of common schools in Kentucky was unconstitutional. The Court said the essential, and minimal, characteristics of an efficient system of common schools may be summarized as follows:

1. Its establishment, maintenance, and funding are the sole responsibility of the General Assembly.
2. It is free to all.
3. It is available to all Kentucky children.
4. It is substantially uniform throughout the state.
5. It provides equal educational opportunities to all Kentucky children.
6. It is monitored by the General Assembly to assure that there is no waste, no duplication, no mismanagement, and no political influence.
7. Schools are operated under the premise that an adequate education is a constitutional right.
8. Sufficient funding provides each child an adequate education.
9. An "adequate education" is defined as one which develops the following seven capacities:

- a. Communication skills necessary to function in a complex and changing civilization.
- b. Knowledge to make economic, social, and political choices.
- c. Understanding of governmental processes as they affect the community, state and nation.
- d. Sufficient self-knowledge and knowledge of one's mental and physical wellness.
- e. Sufficient grounding in the arts to enable each student to appreciate his or her cultural and historical heritage.
- f. Sufficient preparation to choose and pursue one's life's work intelligently.
- g. Skills enabling students to compete favorably with students in other states.

The Supreme Court clearly stated that it was holding unconstitutional the entire state system of elementary and secondary education. The Court said:

"This decision applies to the entire sweep of the system - all its parts and parcels. This decision applies to the statutes creating, implementing and financing the system and to all regulations, etc., pertaining thereto. This decision covers the creation of local school districts, school boards, and the Kentucky Department of Education to the Minimum Foundation Program and Power Equalization Program. It covers school construction and maintenance, teacher certification - the whole gamut of the common school system in Kentucky Since we have, by this decision, declared the system of common schools in Kentucky to be unconstitutional, Section 183 places an absolute duty on the General Assembly to re-create, re-establish a new system of common schools in the Commonwealth [T]he General Assembly has the obligation to see that all [taxable] property is assessed at 100 percent of its fair market value We view this decision as an opportun-

ity for the General Assembly to launch the Commonwealth into a new era of educational opportunity which will ensure a strong economic, cultural and political future." *Rose*, slip opin. at 66, 67-68.

Responding to this opportunity, the leadership of the General Assembly, in July, 1989, appointed the Task Force on Education Reform, composed of the leadership of the House and the Senate and representatives appointed by the Governor.

The Task Force formed three committees: Curriculum, Governance, and Finance. The Task Force and the committees separately utilized consultants to offer concepts and proposals. Through study, discussion, and hearings, the Task Force gained a broad perspective of possibilities for restructuring the system of common schools.

The Task Force adopted its final report on March 7, 1990. The funding base for the system was developed jointly by the leadership of the General Assembly and Governor Wilkinson. The increases in revenue required for the funding were incorporated in the bill establishing the new school system.

House Bill 940 was approved by the 1990 General Assembly and signed by Governor Wallace G. Wilkinson on April 11, 1990.

Thus, Kentucky begins a new era of educational opportunity, designed to provide an efficient system of common schools throughout the state.

Notes

The Court Cases:

Council for Better Education, Inc. v. Wilkinson, No. 85-CI-1759 (Franklin Circuit Court, Div. I) Judgments dated May 31, 1988, and Oct. 14, 1988.

Rose v. Council for Better Education, Inc., Ky., No. 88-SC-804-TG (Sept. 28, 1989).

Provisions of the Education Reform Act

**(Section numbers refer to sections of
House Bill 940 as enacted)**

Curriculum

Goals

- The General Assembly is creating a system of public education which will assist students in acquiring basic skills, communication skills, understanding of governmental processes, knowledge to make economic, social and political choices, and other skills necessary to compete favorably with students in other states. (Section 2)
- On July 13, 1990, when most of this Act takes effect, the Council on School Performance Standards will reconvene to frame goals for the schools in measurable terms which define the outcomes expected of students. (Section 3)
- By July, 1993, the State Board for Elementary and Secondary Education will disseminate to local schools a model curriculum framework to assist the schools as they develop their curriculum. (Section 3)

Assessment; Rewards and Sanctions

- No later than the 1995-96 school year, the State Board will develop a statewide assessment program, including performance-based student testing, to measure the success of each school. An interim testing program administered to a sample of students during the 1991-92 school year will provide baseline data for determining school success during the 1993-94 school year. (Section 4)
- Successful schools will receive monetary rewards from the state; unsuccessful schools will be required to develop plans for improvement. If a school is particularly unsuccessful, it may be declared a "school in crisis." Students at a school in crisis may transfer to more successful schools; "distinguished educators" will be assigned to assist schools needing improvements. (Sections 5, 6)
- The Commonwealth School Improvement Fund will provide grants to schools in educationally deficient districts to help them

pursue new and innovative strategies to raise the schools' performance. (Section 7)

- The State Board will establish standards for assessing the performance of school districts. If a school district consistently fails to meet its improvement goals, the superintendent and board members may be removed and replaced by new members appointed by the State Board to serve until the district's performance improves. (Section 10)

Professional Development

- There will be increased efforts to provide professional development opportunities for teachers and other certified employees. (Section 12)

School-based Decision Making

- By January, 1991, each local board must have a policy for school-based decision making; by the 1991-92 school year, each district must have at least one school with school-based decision making; each participating school must have a council composed of parents, teachers, and an administrator, to adopt policies relating to instructional materials, personnel, curriculum, extracurricular programs, and other aspects of school management. School-based decision making must be implemented at any school where two-thirds of the faculty vote for it; all schools must participate by July, 1996; with approval, schools may implement different models for school-based decision making, or may qualify for an exemption. (Section 14)

Preschool Programs

- Preschool education programs are to be provided for four-year olds who are determined to be at risk of educational failure and for as many other four-year-olds as possible. Upon approval, schools which lack facilities may delay this program until the 1991-92 school year. (Section 16)
- Any handicapped child who is three or four years of age or may become five after October 1 will be eligible for free and appropriate preschool education and related services. (Section 17)

Family Resource Centers and Youth Services Centers

- Plans will be developed for family resource centers and youth services centers to be started over the next five years in or near certain schools; the centers will provide services to students and families in areas where at least 20 percent of the students qualify for free school meals. The family resource centers will be in or near elementary schools and the youth services centers will be in or near schools serving students 12 years of age or older. (Section 18)

Technology in Education

- There will be greater emphasis on the use of technology in public education; the Council on Education Technology will make recommendations for a five-year plan for purchasing, developing and using technology in public education. A program will assist teachers in purchasing and using personal computers. This program is to be fully implemented by 1992-93. (Sections 19-23)

Primary School Reform

- A primary school program will be started to replace that part of elementary school from the beginning of school to the beginning of fourth grade; successful completion of the program will be required before a student is allowed to enter fourth grade. (Section 25)

Kindergarten

- Kindergarten must be provided at least one-half day, five days a week, for a full school year for each kindergarten pupil. (Section 94)

Continuing Education for Students

- Schools must provide continuing education, including extended days, extended weeks, or extended years for students who need additional time for instruction. Local school districts are to receive state grants for continuing education. (Section 27)

Age for Compulsory School Attendance

- The Commissioner of Education will make a recommendation to the 1992 General Assembly regarding raising the age for compulsory school attendance from 16 to 18. (Section 29)

Governance

State Board for Elementary and Secondary Education

- This new board will consist of 11 members appointed by the Governor, confirmed by House and Senate. Membership will include representation from each of the seven Supreme Court districts and four at-large members. (Section 35)
- The Board will be responsible for adopting policies by which the Department of Education is to be governed. (Section 35)
- The board is responsible for hiring the Commissioner of Education. (Section 36)

Superintendent of Public Instruction

- Superintendent of Public Instruction is the chief state school officer until the close of business on December 31, 1990, at which time all duties presently assigned are removed. (Section 40)
- The Superintendent's salary is reduced to \$3,000 annually, effective January 6, 1992. (Section 40)

Commissioner of Education

- A temporary Education Management Selection Commission is created to conduct a national search for the first Commissioner of Education. The commission consists of persons appointed by the Governor and the legislative leaders. Its decision must be unanimous. (Section 36)
- The first Commissioner of Education is to be appointed to assume duties as the chief state school officer on January 1, 1991. (Section 39)
- The Commissioner of Education is the executive officer of the State Board for Elementary and Secondary Education, implementing educational policies and directing all persons employed in the Department of Education. (Section 41)

Department of Education

- All positions in the Department of Education are abolished, and all employees terminated at the close of business on June 30, 1991. The Department will be reorganized as of July 1, 1991, with new positions and qualifications established by the Commissioner of Education. Current Department employees may be rehired. (Section 42)

- The reorganized Department will provide services including assistance with curriculum design, school administration and finance, monitoring the management of school districts, and research and planning. (Section 43)
- Regional service centers are to be established in 1992 with a primary focus on professional development of school district employees. (Section 44)
- The Department is to establish a Principals' Assessment Center which will administer the process that a principal must complete to be qualified for initial or continued employment as a principal. (Section 45)
- The Department is to establish a Superintendents' Training Program and Assessment Center to provide a training process in certain subjects that a superintendent must successfully complete to be qualified for initial or continued employment. (Section 46)

State Board for Adult and Technical Education

- The current State Board for Adult, Vocational Education, and Vocational Rehabilitation will retain its present composition and will be transferred under its new name to the new Workforce Development Cabinet. (House Bill 814)

Certification Authority

- The Education Professional Standards Board is created to establish requirements for obtaining and maintaining a teaching certificate, to evaluate college and school district programs for preparing school personnel, and to issue and revoke teaching certificates (Sections 56-57). The Board will also implement an alternative certification program, administer the principal testing and internship program, and administer the adjunct instructor certificate program. (Sections 58-61)

Local Boards of Education

- School board members in county school districts will continue to be elected from divisions, and in independent school districts the members of the school board will continue to be elected from the entire district. (Section 69)
- After July, 1990, a person elected to a local board must have at least a high school education or GED certificate. (Section 71)

- Except in certain limited circumstances, after July, 1990, a person will be ineligible for election to a local board if he has a relative employed by the school district. (Section 71)
- Board members are prohibited from attempting to influence the hiring of any school employee, except the superintendent and the school board attorney. (Section 71)
- The local superintendent is appointed by the local board after the board receives the recommendations of a screening committee consisting of two teachers, one board member, one principal, and one parent. The local board is not bound by the committee's recommendation. (Sections 75-76)
- Campaign contributions to local board candidates' races are limited to \$100 from an individual and \$200 from a PAC. (Section 73)
- Candidates for local school board are prohibited from soliciting or accepting any money or services from any employee of the school district. (Section 79)

Local Superintendent

- The superintendent is responsible for all personnel actions, including hiring, transfer, dismissal, suspension, promotion, and demotion, and for reporting the actions to the local board. (Section 90)
- The local superintendent's employment contract may be terminated by the local board only upon approval of the Commissioner of Education. (Section 75)
- Except in certain limited circumstances, effective July 1, 1991, the superintendent is prohibited from hiring his relatives and board members' relatives to work for the local district. Also, vacancies in the local districts must be reported to the Department of Education and, unless a waiver is obtained under certain conditions, they must be posted in the board office for 30 days prior to filling the position. (Section 78)

School Employees

- Except in certain limited circumstances, relatives of a principal cannot be employed in the principal's school. (Section 78)
- School district employees are prohibited from activity in school board campaigns. (Section 79)

- All classified school employees initially hired after the effective date of the Education Reform Act must have a high school degree, GED certificate, or show progress toward obtaining a GED. (Section 54)
- The law requiring that certain procedures be followed in demoting administrative personnel is amended to exclude principals from its coverage. (Sections 80 & 283)
- The procedure for terminating a teacher's contract for cause has been changed. Now the superintendent will notify the local board of the dismissal with cause. If the dismissal is appealed, the Commissioner of Education will appoint a three-member tribunal, including one teacher, one administrator, and a lay person, to hear and decide the appeal (instead of its being decided by the local board of education). All three members of the tribunal must reside outside the county. The decision of the tribunal may be appealed on the record to the circuit court. (Section 85)

Education Accountability Office

- The Office of Education Accountability is established under the Legislative Research Commission (LRC) as an independent arm of the legislature. The purpose of the office is to monitor the education system and implementation of the Education Reform Act; review the state's system of school finance; verify accuracy of school district and state performance; investigate unresolved allegations of wrongdoing at the state, regional or district level; and, report to the LRC. (Section 92)

Finance

State Support

- The Support Education Excellence in Kentucky (SEEK) fund is established.
 1. A guaranteed amount of money per pupil is provided throughout Kentucky. (Sections 94, 95, 96) In 1990-91, the amount is \$2,305 per pupil; in 1991-92, it is \$2,420 per pupil. (House Bill 799)
 2. Calculation of SEEK funding is based on the previous year's average daily attendance. (Section 97)

3. The SEEK program will be fully implemented by the 1994-95 school year. (Section 97)
 4. During the 1990-92 biennium, the maximum increase of state funds to any district will be 25 percent annually. The minimum increase to any district will be eight percent in 1990-91 and five percent in 1991-92. (Section 97)
- Adjustments to SEEK will include the costs of the following:
 1. Educating at-risk children as identified by participation in the free lunch program. (Section 97)
 2. Educating exceptional children. (Section 97), and
 3. Transportation costs in the district. (Sections 97, 98)
 - The adequacy of funding will be reviewed by the Office of Education Accountability of the Legislative Research Commission. (Section 92)
 - Funds are provided for preschool education. (Section 17)
 - Funds are provided for students who need additional time to achieve educational goals. (Section 27)
 - Grants are available for assisting in the establishment of family resource centers and youth services centers in eligible districts. (Section 18)
 - The Commonwealth School Improvement Fund is to assist schools in educationally deficient districts to improve instruction or management. (Section 7)
 - The Kentucky Successful Schools Trust Fund is created.
 1. Funds will be set aside for awards to schools which attain a success level established by the State Board for Elementary and Secondary Education. (Section 103)
 2. Certified staff members of the eligible school will decide on the ways reward funds are to be spent. (Section 5)
 - Funds are provided for technology throughout the school system. (Section 21, 22)
 - Funds are provided for professional development programs. (Section 13)
 - Funds are provided for the Principals' Assessment Center. (Section 45)

- Funds are provided for the Superintendents' Training Program and Assessment Center. (Section 46)
- Funds are provided for the Kentucky Distinguished Educators' Program. (Section 6)
- An integrated technology based communications system for conducting annual fiscal, management and compliance audits is required. (Section 102)

Local Support

- A minimum level is required. (Section 105)
 1. The local equivalent rate will be 30 cents per \$100 assessed valuation of property and motor vehicles in the district. (Section 105)
 2. The local support minimum may be reached through levies on property and through other levies permitted for general school purposes. (Section 105)
 3. Utilities subject to taxation by school districts include cable television. If a utilities tax is levied prior to July 13, 1990, the school district must give notice and hold a hearing in order to include cable television in the tax. (Section 115)
 4. If a board fails to comply with providing the minimum local support, its members are subject to removal from office. (Section 105)
- Additional revenue may be provided by school board action. (Section 107)
 1. An increase up to 15 percent of those revenues guaranteed by the SEEK program is permitted.
 2. The state will equalize the increase at 150 percent of the statewide average per pupil equalized assessment. For 1990-92, this level is set at \$225,000.
- Additional revenue may be provided by the vote of the people. (Section 107)
 1. The local school board may increase its funds up to an additional 30 percent, subject to the vote of the people.
 2. The state will not equalize this increase.
- All real property is to be assessed at 100 percent of fair cash value by July 1, 1994. (Section 104)

- No school district is required to levy an equivalent tax rate lower than the rate levied during the 1989-90 school year. (Section 107)

Teachers

- No teacher will be paid below the minimum statewide salary schedule adopted in the state budget. (Section 94)
- The Kentucky Professional Compensation Plan is to be developed in the 1990-92 Biennium and implemented in Fiscal Year 1992-93. (Section 99)
- The maximum class sizes for academic courses: Primary grades- 24; Grade 4- 28; Grades 5 and 6- 29; Grades 7 through 12- 31; exceptions must be approved by the State Board for Elementary and Secondary Education. (Section 97)
- Teachers in schools which do not have school-based decision making will have a maximum load of 150 pupil hours per day. (Section 97)
- No ungraded students are to be placed in a combined class with graded students. (Section 97)
- There can be no more than two consecutive grade levels combined in any class in grades four through six. (Section 97)
- Professional development programs for certified personnel are required. (Section 13)
- The State Board for Elementary and Secondary Education will establish a program to assist teachers in obtaining computers for their personal use. The program will include training provided by the vendor. (Section 23)

Capital Outlay

- The capital outlay allotment is on a per pupil basis. (Section 106)
- The Department of Education shall designate each school facility as a permanent center, a functional center, or a transitional center. The transitional centers will not be eligible for new construction, additions or major renovation. (Section 106)

Implementation

Time Line

July 13, 1990: Effective date of the Education Reform Act. Exceptions are listed below.

1990-1992 biennium

The Kentucky Professional Compensation Plan will be developed. (Section 99)

1990-91 School Year

A. Professional development requirements for certified personnel are established through the 1994-1995 school year. (Sections 12, 13)

B. Each local school district is to provide a developmentally appropriate half-day preschool education program for at-risk four-year-olds. (Section 16)

C. A school district which meets the standards set by the State Board for Elementary and Secondary Education may be granted a waiver from regulations; exceptions. (Section 32)

D. Grants from the Commonwealth School Improvement Fund will be awarded to schools in educationally deficient districts through the 1993-94 school year. (Section 7)

January 1, 1991

A. Each local board of education is to adopt a policy for implementing school-based decision making in the district. (Section 14)

B. The Interagency Task Force on Family Resource Centers and Youth Services Centers must complete its implementation plan. (Section 18)

C. The first Commissioner of Education must be appointed by December 31, 1990, and will assume the duties of chief state school officer on January 1, 1991. (Sections 39, 40, 41)

D. The State Board for Elementary and Secondary Education will establish operational standards for school districts to be effective on July 1, 1991. (Section 10)

June 30, 1991

- A. Each local board will submit to the chief state school officer the name of at least one school which shall implement school-based decision making in the 1991-92 school year. (Section 14)
- B. Local school districts will develop initial plans for their family resource centers and youth services centers. (Section 18)
- C. All employment positions in the Department of Education are abolished. (Section 42)

July 1, 1991

- A. No relative of a superintendent of schools can be an employee of the school district; exceptions. (Section 78)
- B. The Kentucky Distinguished Educators program is to be implemented. (Section 6)
- C. The Education Professional Standards Board will adopt administrative regulations creating a local district alternative training program for elementary school teachers. (Section 58)
- D. All principals hired prior to the effective date of this Act must complete the beginning teacher committee training program by July 1, 1991. This program is a requirement for all principals hired after July 13, 1990. (Section 45)
- E. The Department of Education is to be reorganized. (Section 42)

1991-92 School Year

- A. One school in each school district will have school-based decision making. (Section 14)
- B. Any handicapped child who is three or four years of age or may become five after October 1 will be eligible for free and appropriate preschool education and related services. (Section 17)
- C. Funds for handicapped children are to be allotted to districts based on the number of children served on September 30, 1991. (Section 17)

D. An interim testing program will be initiated to assess student skills for the purpose of establishing a baseline for determining school success during the 1993-94 school year. (Section 4)

December 1, 1991

The Council on School Performance Standards will issue its final report on the goals framed in measurable terms which define what is expected of students and schools. (Section 3)

1992 General Assembly

A. The Commissioner of Education will make a recommendation to the 1992 General Assembly on raising the compulsory school age to 18. (Section 29)

B. The Education Professional Standards Board will submit recommendations for increasing the number of minority teachers. (Section 56)

January 1, 1992

A. The Commissioner of Education will establish regional service centers that primarily focus on the professional development of employees of school districts. (Section 44)

B. The Commissioner of Education must establish job classifications and minimum qualifications for local district classified employment positions, effective July 1, 1992. (Section 54)

January 6, 1992

The annual salary of the Superintendent of Public Instruction will be changed to \$3,000. (Section 40)

June 30, 1992

Family resource centers and youth services centers must be established in at least one-fourth of the eligible schools, with expansion by one-fourth by June 30 of each year. (Section 18)

July 1, 1992

A. Prior to July 1, 1992, the Department of Education will establish a Principals' Assessment Center. (Section 45)

B. Prior to July 1, 1992, the Department of Education will establish a Superintendents' Training Program and Assessment Center. (Section 46)

C. Effective July 1, 1992, no person will be eligible to be a classified employee of a local school district unless he holds the qualifications as established by the Commissioner of Education. (Section 54)

1992-93 School Year

A. Special recognition will be given to five Kentucky distinguished educators each year. (Section 6)

B. The ungraded primary program will be implemented. (Section 31)

C. The Kentucky Professional Compensation Plan will be implemented. (Section 99)

July 1, 1993

The State Board for Elementary and Secondary Education will disseminate a model curriculum framework to local school districts and schools. (Section 3)

1993-94 School Year

A. The State Board for Elementary and Secondary Education is required to:

1. Create and implement a statewide, primarily performance-based assessment program - no later than the 1995-96 school year. (Section 4)
2. Use interim testing program results to establish a baseline for determining school success during the 1993-94 school year. (Section 4)

July 1, 1994

A. A school principal must successfully complete the Principals' Assessment Center process to be eligible for initial or continued employment. (Section 45)

B. A school superintendent must successfully complete the Superintendents' Training Program and Assessment Center process to be eligible for initial or continued employment. (Section 46)

C. A school superintendent who is hired for the first time in Kentucky will have one year in which to successfully complete the training program and assessment center process. (Section 46)

D. Continuing professional development requirements for superintendents become effective. (Section 46)

E. All real property located in the state and subject to local taxation must be assessed at 100 percent of fair cash value. (Section 104)

1994-95 School Year

A. Grants will be awarded from the Commonwealth School Improvement Fund to schools which do not meet their threshold level for school improvement established by the State Board for Elementary and Secondary Education. (Section 7)

B. Prior to the beginning of the 1994-95 school year, the State Board for Elementary and Secondary Education will review graduation requirements in relation to expected outcomes. (Section 31)

C. After the 1994-95 school year begins, a school which exceeds its threshold level of improvement will be granted a waiver from regulations promulgated by the State Board of Elementary and Secondary Education, upon request; exceptions. (Section 31)

D. The program to support educational excellence in Kentucky will be fully implemented. (Section 97)

1995-96 School Year

The State Board for Elementary and Secondary Education will have fully implemented a statewide, primarily performance-based, assessment program to ensure school accountability for student achievement. (Section 4)

July 1, 1996

All schools will have school-based decision making, unless granted an exemption by the State Board for Elementary and Secondary Education. (Section 14)

Questions and Answers on the Education Reform Act

1. What are the goals of the Education Reform Act of 1990?

The General Assembly has set the following goals for schools and students:

- Schools must expect a high level of achievement of all students.
- Schools must develop their students' ability to:
 - (a) use basic communication and math skills for situations they will encounter throughout their lives;
 - (b) apply principles from math, sciences, arts, humanities, social studies and practical living studies to situations they will encounter throughout their lives;
 - (c) become self-sufficient individuals;
 - (d) become responsible members of a family, work group or community;
 - (e) think and solve problems in school situations and in life;
 - (f) connect and integrate experiences and new knowledge with what they have previously learned and build on past learning experiences to acquire new information through various sources.
- Schools are to improve their students' rate of school attendance.
- Schools are to reduce their students' dropout and retention rates.
- Schools are to reduce physical and mental health barriers to learning.
- Schools are to be measured on the proportion of students who make a successful transition to work, post-secondary education and the military.

2. How will we know if education reform is working?

Beginning in the 1991-92 school year, students will be tested in reading, math, writing, science, and social studies in grades four, eight and twelve. These test scores will provide the base for determining school success when the State Board for

Elementary and Secondary Education begins, in the 1993-94 school year, to assess schools to determine whether students are meeting goals such as those described in Question 1. Also, local boards of education will be required to publish annually in the newspaper a report on the performance of students in each district.

3. What will happen to schools that are successful?

School success will be determined by measuring a school's improvement over a two-year period. Schools that increase their proportion of successful students will receive financial rewards and school staff members will decide how those funds will be spent.

4. What will happen to schools that do not improve?

If a school's percentage of successful students does not improve, the school will be required to develop a school improvement plan and will be eligible to apply for money to carry out the plan.

If a school's percentage of successful students declines by less than five percent, the school will have to develop an improvement plan; it will be eligible for funds, and have one or more "distinguished educators" assigned to it. These educators will work in the school full-time to assist the school staff with implementing the school improvement plan.

If a school's percentage of successful students declines by five percent or more, it will be declared a "school in crisis." In this situation, the school must develop an improvement plan, it will be eligible for improvement funds, will have distinguished educators assigned (with power to make recommendations regarding retention, dismissal or transfer of personnel), and students will be allowed to transfer from the school in crisis to a successful school, even if the successful school is in a neighboring district.

5. What is a Kentucky Distinguished Educator?

This is a designation given to the state's most outstanding and highly skilled certified educators who are willing to accept responsibility to assist the Department of Education with research projects and staff development efforts and accept assignments in schools requiring improvements. These educators are to be granted

professional leave for two or more years and are to receive a significant salary supplement while serving in that capacity.

6. What will the state do to assure that districts which need improvements are actually working toward those improvements?

The Commonwealth School Improvement Fund is created to provide grants to help local schools improve their instruction or management. The Department of Education will provide the local board with a list of services and technical assistance the Department will furnish to the district.

Failure by an unsuccessful school district to meet the goals in the time provided in the district improvement plan will be grounds for removal of the local superintendent and board members from office. New members of the board will be appointed by the State Board. Local elections will resume when the district meets performance standards.

7. What will be done to improve instruction in the public schools?

Each local superintendent will appoint a professional development coordinator and the State Board is to provide a series of programs to focus on improving instructional practices and implementing changes in the school system. A school district will have to join with one or more other districts to provide a professional development program to staff of the member districts.

8. What is school-based decision making?

By January 1, 1991, each local board must adopt a policy for school-based decision making and must provide that each participating school form a council composed of two parents, three teachers, and the principal or administrator. The council is to adopt policies relating to instructional materials, student support services, personnel assignments, curriculum, extracurricular programs, and other aspects of school management. The principal or head teacher will be the primary administrator and the instructional leader of the school, and with the assistance of the total school staff will administer the policies established by the school council and the local board.

9. Which schools will have school-based decision making?

It will be implemented in any school where two-thirds of the faculty votes for it. By June 30, 1991, each school district must have at least one school participating; all schools must participate by July 1, 1996, unless they get an exemption from the State Board. Districts containing only one school are exempted.

10. How will preschool programs be affected by education reform?

Each local district will be required to provide a half-day preschool program to each child who is four years old and at risk of educational failure. Districts must provide preschool for as many other four-year-olds as possible. The state will grant funds to the districts for preschool programs. Districts are allowed to contract for preschool services.

11. What are Family Resource Centers?

Centers which will be located in or near each elementary school in which 20 percent or more of the students are eligible for free school meals. Each site is to offer services such as preschool and after school child care, families-in-training for new and expectant parents, parent-and-child education, and health services.

12. What are Youth Services Centers?

Centers which will be located in or near each school serving youth over 12 and in which 20 percent or more of the students are eligible for free school meals. Each site is to offer such services as referrals to health and social services, employment counseling, training and placement, job development, drug and alcohol abuse counseling, and family crisis and mental health counseling.

13. What will be done to bring technology into Kentucky classrooms?

A Council for Education Technology is being established to advise the State Board and to develop a long-range plan for the efficient use of technology at all grade levels from primary school through higher education. The plan will include all aspects of education technology, including video and computer systems,

software and hardware, multiple delivery systems for satellite, microwave, cable, instructional television fixed service, preparation of school buildings for technological readiness, and the development of staff necessary to implement the plan.

To assist and encourage teachers in purchasing computers for their own personal use, the State Board will obtain the lowest possible purchase price for personal computers and arrange a training program for interested teachers.

14. What is the "primary school program"?

The part of the elementary school program in which children are enrolled from the time they begin school until they are ready to enter the fourth grade. Successful completion of the primary school program will be a prerequisite for entrance into fourth grade.

15. Is the age for compulsory school attendance being raised?

Not immediately. The Commissioner of Education will make a recommendation to the 1992 General Assembly regarding raising the age for required attendance from 16 to 18. Current requirements remain in effect until then.

16. How will the Department of Education be different?

On January 1, 1991, a newly appointed Commissioner of Education will assume the duties formerly performed by the Superintendent of Public Instruction. In leading the Department of Education, the new commissioner will be required to reorganize the Department, so that its new structure best fulfills its new role and duties under the Education Reform Act. The Department's new role will be one of providing technical assistance and services to local school districts and schools, rather than issuing mandates and supervising activities.

17. What are the new eligibility requirements for principals?

By July 1, 1994, to be eligible to serve as a principal one must have successfully completed a new training and evaluation process for principals. An exception is provided for any newly hired principal who relocates from outside the state to begin their

duties after June 30, 1994; they will be required to successfully complete the training and evaluation process within one year of assuming their duties as principal. The Department of Education is responsible for establishing the Principals' Assessment Center.

Another new requirement which principals must satisfy is successful completion of the beginning teacher committee training program, which is a part of the Beginning Teacher Internship Program, by July 1, 1991. An exception is provided for principals hired after the effective date of the Act, as they will be required to satisfy this requirement within one year after their appointment.

18. What are the new eligibility requirements for school superintendents?

By July 1, 1994, to be eligible to serve as a school superintendent one must have successfully completed a new training and evaluation process for superintendents. An exception is provided for persons hired for the first time as superintendent in Kentucky after July 1, 1992; they will be required to successfully complete the training and evaluation process within one year of assuming their duties as superintendents. The Department of Education is responsible for establishing the Superintendents' Training Program and Assessment Center for this purpose.

19. Who are considered "relatives" of the school superintendent, local board members, and principals, and are thus restricted in most cases from employment by the school district?

The Education Reform Act defines "relative" to include father, mother, brother, sister, husband, wife, son, daughter, aunt, uncle, son-in-law and daughter-in-law.

20. What are the exceptions to the prohibition against a relative of the school superintendent being employed by the school district?

This prohibition does not apply to any relative of the school superintendent who is an employee of the school district prior to the effective date of the Act and who is certified for the position he holds, as long as the superintendent is holding office on July 1, 1991. Also, this prohibition does not apply to a superintendent's

spouse who has at least 20 years of service in any elementary or secondary school in any school district. However, a superintendent's spouse who is employed under one of the exceptions to the prohibition is prevented from holding a position in which the spouse supervises certified or classified employees other than teacher aides and student teachers. Finally, the superintendent is prohibited from promoting his relative or her relative who continues employment under one of these exceptions.

21. What is the exception to the prohibition against a relative of a school board member being employed by the school district?

The prohibition does not apply if the board member is holding office on the effective date of the Act and the relative was not initially hired by the school district during the tenure of the board member. However, the superintendent is prohibited from promoting any relative of a school board member who continues employment under this exception.

22. What are the exceptions to the prohibition against a principal's relative being employed in the principal's school?

An exception is provided for any relative who is not the principal's spouse and who was employed in the principal's school during the 1989-90 school year. Also exempted from the prohibition is any principal's spouse who was employed in the principal's school during the 1989-90 school year and for whom there is no position they are certified to fill in another school operated in the district.

23. How does the Education Reform Act address the inequities in the economic base of the various parts of Kentucky and provide an equal opportunity for an education for young Kentuckians?

The General Assembly has guaranteed a base amount of money for the education of every pupil in Kentucky, regardless of the location of the school. Local school districts are required to raise a part of this amount and the state provides the balance.

24. Since some areas of the state are wealthier than others, does this mean that some school districts receive more state money for education than others?

Yes. This is the only way to meet the responsibility of offering an equal opportunity for an education to every Kentucky pupil.

25. Who determines the base amount and how is it determined?

The General Assembly determines the amount required per pupil to reasonably assure an adequate education. The amount is determined through a process of analyzing costs of operation of schools, educational materials, and salaries of personnel, and dividing those costs by the statewide average daily attendance. A review and comparison of costs of education in other states and throughout this state assist in reaching this decision.

26. How is it determined how much a local school district is required to raise?

The value of property in a district provides the basis for local support for schools.

27. Why is the assessment of property by the Property Valuation Administrator important to education?

The funding of education is based on the assessed value of property. Consequently, if property is not assessed at fair market value, the basis for local funds is reduced. The problem is compounded when some property valuation administrators assess accurately and others do not. The Education Reform Act requires all property in the state to be assessed at 100 percent of fair cash value by July 1, 1994.

28. Is property tax the only revenue for education?

No. The amount of money to be raised locally is equal to 30 cents per hundred dollars of the assessed value of all real and personal property and motor vehicles in the school district. Once this figure is calculated, the money can be raised through taxes on property or through other taxes permitted for general school purposes.

29. Is there a limit on how much money a local school board may raise for education in its district?

Yes. The local school board may increase the funding for its schools by 15 percent above the revenue guaranteed by the SEEK program. The state will equalize these additional funds at the rate of 150 percent of the average state assessment.

30. May the citizens of a district increase funds for education beyond the 15 percent increase by action of the local school board?

Yes. The school board may increase the funds for education in its district up to an additional 30 percent. This second increase is subject to the vote of the people in the district, however, and the state does not equalize these funds.

31. Why is there a limit on the amount of funds a district may raise by vote of the people?

The Kentucky Supreme Court interpreted the Kentucky Constitution to require the General Assembly to provide a substantially uniform system of common schools throughout the state. The system must be adequately funded. The prevailing argument in the Education Reform Act is that an upper limit on public support is necessary to meet the constitutional requirements for equity of opportunity in Kentucky schools. No district will be compelled to levy an equivalent tax rate lower than the rate levied in the 1989-90 school year.

32. Are there any limits on increases in the money a school district will receive as the new financial structure takes effect?

Yes. No school district will receive less than an eight percent increase in 1990-91, and a five percent increase in 1991-92. No school district will receive more than a 25 percent increase annually in the 1990-92 biennium. The General Assembly determined that a school district needs to plan for the use of additional monies, and that it would assure greater efficiency to limit the increases as reform begins.

33. Children come to school from a variety of backgrounds and with a variety of educational advantages and disadvantages. Are these differences recognized in determining the costs of educating young Kentuckians?

Yes. The funding provided in the Education Reform Act includes factors, or weights, for pupils who are recognized as costing more (per pupil) to educate. Included in this group are at-risk pupils and exceptional children. At-risk pupils will initially be identified as those participating in the free lunch program. Exceptional children are those who need additional educational services in order to learn. Identification of at-risk and exceptional children will be reviewed.

School districts will receive additional money per pupil from the state to educate these children. The adequacy of these funds will be reviewed by the Office of Education Accountability.

34. Some districts cover such a large area that transportation costs are a large part of the school districts' budgets. Is this disparity of costs addressed in the funding of education reform?

Yes. There is a formula for providing state funds to apply to transportation costs. For the first time, this formula is fully funded. In addition to the provision for funding, the Education Reform Act requires that the current system of allocating transportation funds be studied and that any needed changes be recommended to the General Assembly.

35. What will be the role of the Office of Education Accountability in the Legislative Research Commission?

The Kentucky Supreme Court decision in *Rose et al. v. Council for Better Education et al.* directed the General Assembly to monitor the system of common schools on a continuing basis so that it will always be maintained in a constitutional manner. "The General Assembly must carefully supervise it, so that there is no waste, no duplication, no mismanagement, at any level." The Office of Education Accountability has been given the responsibility of informing the General Assembly on the implementation of the Education Reform Act and offering recommendations for changes in education in the future.

36. What provisions are made for teacher compensation in the Education Reform Act?

Funding the salary schedule for teachers is always a part of the Executive Biennial Budget of the Commonwealth. For the 1990-92 biennium, the statewide salary schedule has been increased ten percent in 1990-91 and five percent in 1991-92.

The Education Reform Act requires that a Kentucky Professional Compensation Plan be developed in the 1990-92 biennium and be implemented in fiscal year 1992-93. The plan shall be designed to compensate all teachers at adequate and competitive salary levels throughout their teaching careers.

If you have additional questions,
call the Education Hot Line,
1-800-372-7181

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